



County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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October 22, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
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Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

TRIAL COURT FACILITIES ACT OF 2002: QUARTERLY UPDATE

On November 12, 2002, your Board instructed my office to report on the implementation of SB 1732 and to provide quarterly updates thereafter. SB 1732 is the legislation which requires the transfer of county courthouses to the State. This is the third quarterly report on the subject and covers July through September activities.

Implementation of SB 1732

County staff continues to participate in the weekly conference calls with the California State Associates of Counties (CSAC) and other county members. Issues under discussion include:

- Administrative Office of the Courts (AOC) announced the selection of three counties to participate in the initial pilot negotiation process. These counties are Riverside, San Joaquin and Solano. It is anticipated that the pilot counties will test and refine the process.
- Revised County Facility Payment instructions and forms submitted to the AOC by CSAC. The AOC is attempting to set up a meeting to begin discussions on the instructions and forms with the Department of Finance, CSAC and county representatives.

- The County's negotiating team includes a structural engineer from the Department of Public Works who has monitored discussions of seismic evaluations of Courts during conference calls arranged by CSAC and the AOC. During these calls we first learned the AOC was attempting to formally adopt higher seismic transfer standards than contained in the original senate bill. Although successful in helping to defeat this effort, Public Works recently learned the AOC is finalizing their evaluations, based on these unadopted standards.

The AOC initially indicated a simultaneous statewide release of the seismic courthouse evaluations was their preferred strategy to:

- manage negative reaction to the report;
- disclose knowledge gained as a result of the evaluations; and
- limit potential State liability.

We are concerned with the expected language in the reports, which may indicate or infer courts are seismically deficient, hazardous, and do not meet life-safety standards. Public Works has voiced, through CSAC, these concerns with little response from the AOC.

The AOC is moving forward with a final internal screening of the evaluations in their current format, and plans a release of the information in the near future. In response to concerns voiced through CSAC, the AOC is now considering releasing draft versions of the reports for comment and input by counties, and abandoning the simultaneous statewide release.

We will continue to monitor the AOC, look for ways to mitigate the effect of the AOC evaluations by participation with CSAC, and seek copies of the evaluations on LA County courts for review and comment before the information becomes public. The AOC is seeking a uniform public relations approach for all counties, coordinated through CSAC, which we will also continue to monitor.

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Pending Legislation

We continue to follow three bills related to court facilities and the Trial Court Facilities Act of 2002.

SB 256 was chaptered on September 29, 2003 and will become effective January 1, 2004. This bill provides that no county may make any expenditure from the Courthouse Construction Fund without the approval of the AOC. All clean-up items in SB 328 were included in SB 256. SB 328 is being used for another purpose.

SB 655 is a two year bill and is currently in the Senate Appropriations Committee. This bill would enact the California Court Facilities Construction and Renovation Bond Act of 2004 which would authorize the issuance of \$4.2 billion of State General Obligation bonds to be deposited in the State Court Facilities Construction Fund for the construction and renovation of court facilities.

AB 688 was introduced on February 19, 2003 and is currently in the Senate Judiciary Committee. This bill would, contingent upon the approval of SB 655 by the voters at a Statewide election in 2004, provide that in establishing the recommended priorities for funding of projects under the California Court Facilities Construction and Renovation Bond Act of 2004, the Judicial Council shall consider all relevant factors (i.e. matching funds) bearing on the priority of each proposed projects.

We will report back with the next quarterly report in January 2004.

DEJ:JSE
DJT:DKM:mc

c: Executive Officer, Board of Supervisors
 Auditor-Controller
 County Counsel
 Internal Service Department
 Department of Public Works